



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: August 21, 2008
Comment Deadline: September 19, 2008
Corps Action ID #: 199800432

The Wilmington District, Corps of Engineers (Corps) has received an application from the Military Traffic Management Command, Military Ocean Terminal, Sunny Point (MOTSU), Southport, Brunswick County, North Carolina seeking Department of the Army (DA) authorization to maintenance dredge the existing access channels, connecting channels, and basins at their navigation facilities with disposal at previously used disposal sites including the Cape Fear River, MOTSU site and to the Wilmington Ocean Dredged Material Disposal Site (ODMDS) located approximately seven to 12.5 miles south of Bald Head Island in the Atlantic Ocean.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Military Traffic Management Command, Military Ocean Terminal, MOTSU
Southport, North Carolina 28461-5000

AGENT (if applicable): Not applicable

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the River and Harbors Act.

Location

The project site, Military Ocean Terminal Sunny Point (MOTSU), is a military ocean terminal located in Brunswick County, North Carolina, on the west bank of the Cape Fear River, approximately 10 miles upstream from the river's mouth. The dredge material will be disposed of at previously used disposal sites and the New Wilmington Ocean Dredged Material Disposal site (ODMDS) located approximately seven to twelve miles south of Bald Head Island in the Atlantic Ocean in Brunswick County, North Carolina.

Existing Site Conditions

Plans submitted with application show that the work will involve maintenance dredging of the existing access channels, connecting channels, and basins at the MOTSU wharves as originally authorized under DA permit Action ID Number 199502844, and as modified under Action ID Number 199800432. The deepening authorized by the original permit has been completed, and the original permit expired on December 31, 2000. The DA Permit 199800432 for maintenance dredging at the facilities will expire December 30, 2008. DA permit Action ID 200100436 authorized maintenance dredging of the MOTSU navigation facilities and transport of dredged material for ocean disposal and expired December 30, 2004. DA permit Action ID 200400390 authorized the transport of dredge material to the ODMDS on January 3, 2008; this permit expires on December 17, 2010. The sediments proposed for transportation and disposal have been evaluated pursuant to Section 103 of the Marine Protection Research and Sanctuaries Act and determined to be acceptable for ocean disposal. This evaluation has been reviewed and approved by the United States Environmental Agency (USEPA) Region 4. The USEPA provided its written concurrence on December 17, 2007. This concurrence is valid for three years.

Applicant's Stated Purpose

The purpose of the proposed work is to enable MOTSU to meet its mission requirements as a unique military port facility designed and constructed specifically for the safe, efficient transshipment of explosives, munitions, ordinance, and related material. While adjacent to and dependent on the Wilmington Harbor federal navigation channel project, MOTSU is a separately permitted Military Traffic Management Command facility. Annual dredging is necessary to maintain safe and adequate depth for vessels served by MOTSU. The proposed project consists of maintenance dredging of the MOTSU facility for a ten year period. Plans showing work are included with this public notice.

Project Description

The proposed project is to maintenance dredge the existing access channels, connecting channels, and basins at their navigation facilities with disposal at previously used disposal sites including the Cape Fear River, MOTSU site and to the Wilmington Ocean Dredged Material Disposal Site (ODMDS) located approximately seven to 12.5 miles south of Bald Head Island in the Atlantic Ocean.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The

receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), Section 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260, Attention: Ms Cyndi Karoly by September 12, 2008.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated state viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, **September 19, 2008**. Comments should be submitted to Dave Timpy, Project Manager, P.O. Box 1890, Wilmington, NC 28402-1890. If you have questions, please contact Mr. Timpy at (910) 251-4634.